# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In re AMERICAN REALTY CAPITAL

PROPERTIES, INC. LITIGATION

CLASS ACTION

LEAD COUNSEL'S NOTICE OF MOTION

AND MOTION FOR AN AWARD OF

ALL ACTIONS.

X

Civil Action No. 1:15-mc-00040-AKH

CLASS ACTION

LEAD COUNSEL'S NOTICE OF MOTION

AND MOTION FOR AN AWARD OF

ATTORNEYS' FEES AND EXPENSES

# TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Counsel will move this Court on January 21, 2020, at 11:00 a.m., before the Honorable Alvin K. Hellerstein, for an entry of order, pursuant to Rules 23 and 54 of the Federal Rules of Civil Procedure: (1) awarding attorneys' fees; and (2) paying litigation expenses incurred in prosecuting the Litigation. This motion is based on: (i) the Memorandum of Law in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Expenses; (ii) the Declaration of Debra J. Wyman in Support of: (1) Lead Plaintiff's Motion for Final Approval of Settlement and Plan of Allocation, and (2) Lead Counsel's Motion for an Award of Attorneys' Fees and Expenses; (iii) the Declaration of Laurie A. Gomez; (iv) the Report of Professor Charles Silver; (v) the Declaration of Carole K. Sylvester; (vi) the Declarations of Plaintiffs' Counsel; (vii) the Stipulation of Settlement; and (viii) all other proceedings herein.

A proposed order will be submitted with Lead Plaintiff's reply submission on or before January 14, 2020.

DATED: December 17, 2019 Respectfully submitted,

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# CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on December 17, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Debra J. Wyman DEBRA J. WYMAN

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